IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.15700 of 2006

Between:

Gundubogula Swamy Naidu.

..... PETITIONER

AND

1.The A.P.State Election Commission,
rep. by its Secretary, Buddha Bhavan,
III Floor, M.G.Road, Secunderabad, and 2 others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.15700 of 2006

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the 2nd respondent in not including the name of the petitioner in the list of validly nominated candidates by allotting the symbol in the ensuing election to the office of the post of

Sarpanch, Vella Gram Panchayat, Ramachandrapuram Mandal, East Godavari District as highly illegal, arbitrary and violative of the provisions of the A.P.Gram Panchayat Act, 1994 and Rules made thereunder and consequently direct the 2nd respondent to include the name of the petitioner in the valid nominated candidates list by allotting the symbol in the post of office of Vella Gram Panchayat Ramachandrapuram Mandal, East Godavari District scheduled to be held on 02-08-2006.

Petitioner filed two separate sets of nomination papers to contest in the elections scheduled to be held on 02-08-2006 for the post of Sarpanch, Vella Gram Panchayat. His grievance is that second respondent-Returning Officer did not include his name in the list of validly nominated candidates and that on the advise of the second respondent only, he had withdrawn one set of nomination.

It is needless to say that this is a matter concerned with the Rules, and at this stage, this Court cannot go into these aspects. The petitioner is having an efficacious alternative remedy by way of election petition. Liberty is given to the petitioner to approach the Election Tribunal, if he is so advised.

With the above observation, the Writ Petition is disposed of. No costs.

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31st July, 2006

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